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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,147	07/27/2001	Thomas J. Pinnavaia	MSU 4.1-553	1331
21036	7590	02/04/2005	EXAMINER	
MCLEOD & MOYNE, P.C. 2190 COMMONS PARKWAY OKEMOS, MI 48864			LISH, PETER J	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/917,147	<b>Applicant(s)</b> PINNAVAIA ET AL.	
	<b>Examiner</b> Peter J Lish	<b>Art Unit</b> 1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

The applicant argues that the newly amended process limitations clearly distinguish the products from the prior art. However, the process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez-Pena et al. ("Thermally Stable Mesoporous Alumina...").

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference. The newly amended process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez-Pena et al. ("Improved Thermal Stability of Mesoporous Alumina Support...")

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference. The newly amended process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

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Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinnavaia et al. (US 6,027,706).

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference. The newly amended process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bagshaw et al. ("Mesoporous Alumina Molecular Sieves").

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference. The newly amended process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

Claims 1, 3, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudry et al. ("Synthesis of Pure Alumina Mesoporous Materials").

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference. The newly amended process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolenda et al. (US 6,197,276).

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference. The newly amended process limitations do not limit the product itself and it is not seen how these process limitations distinguish the product from the prior art.

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***Conclusion***


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Lish whose telephone number is 571-272-1354. The examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

PL

  
**STANLEY S. SILVERMAN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**